S.B.Civil Second Appeal No.130/89
Ladu Lal vs. Ratan Singh

Date of Order: 22.3.2007.

HON'BLE MR. PRAKASH TATIA,J.

Mr. Arvind Samdaria for the appellant.
Ms. R. Chauhan for the respondent.

The learned counsel Shri R. Chauhan submits that as per his information which he gathered from the certified copy of the sale-deed executed by appellant's son Ramesh Chand in favour of Sarifa Bai, the sole appellant died before 31.9.2005 and fact of pending litigation was in the knowledge of the said son of the appellant which is clear from the copy of the sale-deed, therefore, the appeal has abated and further the suit property has been sold by the legal representatives of the appellant, therefore, also the suit for eviction filed by the deceased plaintiff Ladu Lal, which was dismissed by the first appellate court, the present appeal cannot survive.

The learned counsel Shri R. Chauhan also pointed out that sole respondent Ratan Singh died on 19.6.2000 and the purchasers of the property in dispute through their advocate, gave registered notice on 26.7.2006 to the heirs of deceased respondent Ratan Singh and they demanded rent of the suit premises as purchasers of the property in dispute. In view of the above, the appellant's legal representatives are also in knowledge of death of sole respondent and the appellant's legal

representatives have not taken any steps to become party in the appeal nor they took any steps to bring on record the legal representatives of sole respondent Ratan Singh.

The learned counsel Shri R. Chauhan on 16.3.2007 informed the learned counsel for the appellant about the fact of death of the appellant and respondent.

Since no steps have been taken by the appellant's legal representatives for bringing on record the legal representatives of the appellant and the respondent, therefore, the appeal has abated and the same is hereby dismissed as abated.

(**PRAKASH TATIA),J.**

mlt.